

**MINUTES**  
**NATURAL RESOURCES COMMISSION**

**Treetops Resort**  
**3962 Wilkinson Road**  
**Gaylord**

**February 6-7, 2003**

**PRESENT**

Jim Campbell  
Keith Charters, Chair  
Paul Eisele, Vice-Chair  
Bob Garner  
John Madigan  
Bill Parfet  
Frank Wheatlake

K. L. Cool, Director  
A. Michael Leffler, Legal Counsel  
George Burgoyne, Resource Management Deputy  
James Ekdahl, Upper Peninsula Field Deputy  
Kelli Sobel, Administrative Services Deputy  
Department Staff

**COMMITTEE OF THE WHOLE**

**Chairman Charters** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:09 p.m. on Thursday, February 6, 2003. The Committee of the Whole is a working session of the NRC.

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**2003 NRC Goals**

The NRC reviewed draft goals for 2003. Following discussion, the NRC set the following 2003 NRC Goals:

1. Develop a Comprehensive Land Use Strategy for all DNR Land Holdings
2. Develop Plans to Minimize the Impacts of Budget Constraints on Existing DNR Programs

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3. Formulate a Strategic Plan to Better Communicate and Interact with the Governor's Office, Legislature and Constituents
4. Develop a Public Relations Plan to Enhance the DNR Image and Better Educate the Public and Constituents of DNR Programs and Assets
5. Assist Other Stakeholders in Developing a Plan to Prevent the Occurrence of Chronic Wasting Disease (CWD) in Michigan

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The Committee of the Whole adjourned at 4:30 p.m.

## **REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION**

**Chairman Charters** called the regular meeting of the Natural Resources Commission (NRC) to order at 4:45 p.m.

### **PUBLIC APPEARANCES**

Bill Barry, MUCC  
Russell Bobcean, Sr.  
Steve Cunningham, Boon Township Supervisor  
Denny Douglas, Mackinaw Trails Fly Fishers  
Howard Johnson, Property Owner on the Pine River  
Patrick Kochanny, Pine River Chapter of Trout Unlimited  
Ron Koelsch, Hangar Owner, Roscommon Conservation Airport  
Errol Lee, Boyne Falls  
Jack Matthias, Hillman  
Jim Maturen, Michigan Wild Turkey Federation  
Vaughn McDaniel, Certified Hunting Instructor  
Chauncy Moran, Yellowdog Watershed  
David Pershel  
Jim Powers, Upper Manistee River Association  
Rick Riley, Elmira  
Paul Rose, Hillman  
Jim Schaffer, Safari Club International  
Richard Shotwell, Pine River Association  
Randy Smith, Whitetails Forever Network  
Ron Spaulding, United Sportsmans Alliance  
Peter Vellenga  
Sam Washington, MUCC

### **PUBLIC APPEARANCES**

**Randy Smith, Whitetails Forever Network**, believes that an extended antlerless season should only be done on an as needed, where needed basis; that a button buck should be tagged with a buck tag; that mandatory registration would aid in estimating deer harvest; that antlerless deer licenses should cost the same as a buck license; and that the DNR needs to restore hunter confidence. Whitetails Forever Network supports all organizations promoting ethics and fair chase. He also recommends a moratorium on QDM proposals.

**Patrick Kochanny, Pine River Chapter of Trout Unlimited**, asked that the NRC request the DNR to hold public hearings in spring 2003 regarding the Natural Rivers designation of the Pine River. He also encouraged support for the designation of the Pine and Upper Manistee Rivers as natural rivers.

**Richard Shotwell, Pine River Association**, believes that the best way to manage a river system is on a watershed basis. Due to the fact that rivers cross over township, county and political boundaries, it is difficult to have a set of unified rules that will protect the health and welfare of our state's most valuable resources. The Pine River Association requests assurance from the NRC that their voices and the voices of the people of Michigan will have the opportunity to be heard on the natural river proposals for the Upper Manistee and Pine River and that public hearings be held. He provided a list of organizations in support of the natural rivers plan for the Upper Manistee and Pine Rivers.

**Errol Lee, Boyne Falls**, supports extending the squirrel hunting season. This issue was addressed at the NRC Policy Committee on Wildlife Issues.

**Vaughn McDaniel, Certified Hunting Instructor**, supports extending the squirrel hunting season.

**Commissioner Garner** stated that the squirrel hunting season issue is being addressed.

**Russell Bobcean, Sr.**, commented on the reduced deer population in Cheboygan County. He believes that the many hunting seasons, allowing two buck permits and issuing too many antlerless licenses has caused the reduced deer population. **Commissioner Garner** stated that staff and the NRC have to rely on the science to determine the number of permits issued in an area.

**Jim Shaeffer, Safari Club International**, supported an extended pheasant hunting season through January 1 of each year. He reviewed his reasons for support including allowing those who are home for holiday breaks to enjoy the pheasant hunting opportunity. He believes the key to a good pheasant population is good habitat.

**Paul Rose, Hillman**, believes that: 1) the split-state policy on baiting and feeding has had an adverse impact on the value of recreational use (hunting) land in most areas of northeast Michigan; 2) businesses in the northeast Michigan area which have traditionally enjoyed a significant benefit from both archery and firearm deer seasons have been adversely affected on a disproportionate basis by a split-state baiting and feeding policy; and 3) the use of bait in the pursuit of white-tailed deer has been a significant contributor to land fragmentation throughout northern Michigan.

**Denny Douglas, Mackinaw Trails Fly Fishers**, supports designation of the Pine and Upper Manistee Rivers as natural rivers.

**Peter Vellenga** requested that further review of the post production costs audits be conducted to ensure that the state is receiving appropriate royalties.

**Ron Spaulding, United Sportsmans Alliance**, recommended a fall turkey season to help maintain a healthy turkey population and to disperse larger flocks into new areas.

**Jim Maturen, Michigan Wild Turkey Federation**, supports the natural rivers designation of the Pine River. He stated that Osceola County supports this designation.

**Dr. Jim Powers, Upper Manistee River Association**, stated that approximately 300 of the 600 riparian owners on the Manistee River between Mancelona Road and M-66 are family members of the Upper Manistee River Association. Members were canvassed regarding support or opposition to designation of the Manistee River under the State of Michigan's Natural Rivers Program. A card vote was sent out. Sixty-eight percent of cards returned indicated that a majority of family members favored natural river designation of the Upper Manistee River.

**Jack Matthias, Hillman**, believes that Chronic Wasting Disease (CWD) is being used by some select groups to prevent deer and elk from being raised commercially and/or hunted behind fences.

**Rick Riley, Elmira**, believes that the wild turkey population in northern Michigan is noticing a downward trend. He questioned why and requested that research be done to determine why. He offered assistance in this research.

**Sam Washington, MUCC**, recognizes and is pleased with the fact that the NRC, Commission of Agriculture, and the Departments of Natural Resources and Agriculture have addressed CWD to the extent they have and dealt with it early on.

Relative to comments by Mr. Jack Matthias previously, Mr. Washington stated that it was never the intent of MUCC to close captive facilities. He stated that MUCC does not want to see CWD come into Michigan and hopes that the NRC will maintain a strong interest and level of activities in the CWD prevention process. He also stated that he believes that Governor Granholm and Lieutenant Governor Cherry support maintaining a wild deer herd in Michigan.

**Ron Koelsch, Hangar Owner, Roscommon Conservation Airport**, reviewed the history of hangars at the Roscommon DNR-owned airport. He believes there are three solutions to this issue: 1) close the airport and return to forestry land; 2) transfer the property back to the township; and 3) continue leasing as has been done. **Commissioner Wheatlake** does not believe hangars are in line with the DNR mission.

**Chauncy Moran, Yellowdog Watershed**, commented on fragmentation of land and land development relative to protection of Michigan's river systems. He stated that the most important part of each river system is its headwaters. He recommended that the NRC develop a process to educate the public on the impact of natural river designations.

**Howard Johnson, property owner on the Pine River near Cadillac**, supports the natural rivers designation of the Pine River. He urged the DNR to hold public hearings on this designation.

**Steve Cunningham, Boon Township Supervisor**, supports the natural rivers designation of the Pine and Upper Manistee Rivers. He believes, based on a random survey conducted, that a majority of Wexford County residents support this designation concept. Another survey conducted in Wexford County indicated that 100 percent surveyed believe that protecting the surface waters of the state is important.

**David Pershel** expressed concern about CWD.

**Bill Barry, MUCC Member, Hastings**, questioned why the State is allowing potentially diseased meat into the State. He expressed concern with CWD.

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The Natural Resources Commission meeting adjourned at 7:10 p.m. on Thursday, February 6, 2003 and reconvened at 8:40 a.m. on Friday, February 7, 2003.

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### **Chronic Wasting Disease Update**

**Dr. Joan Arnoldi, State Veterinarian, Department of Agriculture (MDA) and Dr. Dan O'Brien, Veterinarian, Department of Natural Resources**, reviewed the status of activities related to CWD carried out by each Department to date.

**Dr. O'Brien** presented an update on the moose collaring process recently accomplished in the Upper Peninsula. **Rebecca Humphries, Wildlife Division Chief**, noted that plans are in place to collar elk in the Lower Peninsula in the future.

**Dr. O'Brien**, reviewed biology and epidemiology of CWD, a nervous system disease that affects white-tailed deer, mule/black tailed deer and elk. Direct or indirect contact via saliva, feces and possibly urine can create transmission. Concentration of animals likely increases transmission. There is currently no evidence that this disease can be spread to humans. To date, the DNR has conducted surveillance, response, information gathering/strategic planning, and communication activities relative to CWD.

**Sam Washington, MUCC**, questioned whether staff is concerned that certain groups believe that CWD is "just another disease." Dr. O'Brien responded that they are primarily concerned with what the disease can do to wildlife populations.

**Dr. Arnoldi** stated that the Federal government deemed the CWD outbreak a national disaster a couple of years ago, and this is a serious issue.

**Eric Sharp, Reporter**, questioned the prevalence of CWD in Colorado.

**Dr. O'Brien** responded that it is between five and 15 percent in the endemic area.

**Dr. Joan Arnoldi** reviewed regulatory programs currently in place for privately owned cervid operations. As of January 1, 2003, all captive cervid operations were to be registered with the MDA. The MDA is taking actions on those not registered. At this time there is a moratorium on importation of cervids from other states. Testing and sampling of suspect animals and captive herds continues. Communications and cooperation with and by captive cervid farmers has been very good.

**Commissioner Parfet** questioned where Dr. Arnoldi hopes MDA will be in five years on this issue. She replied that they would like much more information on prevention of the disease moving into the state and hopes for a "live-animal" test. Commissioner Parfet questioned whether she sees a trend in captive herd hunting. She stated that economics have not been kind to the captive cervid industry.

**Commissioner Wheatlake** asked why double fencing is not being required at captive facilities. **Dr. Arnoldi** responded that experts are unsure what the mode of transportation is and it is not known if double fencing would assist in resolving the problem.

**Becky Humphries** stated that the DNR and MDA staff met throughout the summer to develop a joint action plan. Risks were identified as well as a determination of where additional enforcement resources are needed. Both Departments are working together to ensure that duplication of effort is not occurring.

Relative to surveillance efforts, **Dr. Arnoldi** stated that the MDA is looking for a better system so there is a database to identify cervids and to ensure all materials are properly disposed. A process has been initiated with the Department of Environmental Quality relative to disposal. Also, cooperation from landfill owners has been requested.

**Commissioner Garner** believes it is remarkable what has been accomplished in less than a year on this issue.

**Commissioner Parfet** questioned what is the confidence level that CWD is not already in Michigan. **Dr. Arnoldi** responded that confidence grows each day with every negative sample. Experts will know more over the next few years where we stand with CWD. **Commissioner Parfet** stated that the order of the goal should be to determine that Michigan does not have the disease, then to prevent it from coming in.

**Dr. O'Brien** stated that testing is focusing on bordering counties and captive cervid facilities.

**Sam Washington** is impressed with the actions thus far of the DNR and the MDA in dealing with the CWD situation. He recommended that the presentation made today also be provided to other organizations and media.

**Dan Marsh, Michigan Deer and Elk Farmers**, stated that a great deal of work has been done and looks forward to participating and being a part of the solution.

**Ron Nelson, Michigan Farm Bureau**, was impressed with the CWD and TB testing process. He acknowledged the hard work and dedication of staff that perform the testing.

**Chairman Charters** reported that, at the January 2003 NRC meeting, requests were made related to an Action Plan for CWD. The following has occurred:

- Two representatives from each of the NRC and Commission of Agriculture met with the DNR and MDA to discuss the future of CWD;
- Discussed development of goals to prevent CWD in Michigan;
- Discussed what each Department is doing relative to CWD;
- Discussed what needs to be done;
- DNR and MDA staff have made presentations to the full Commissions of Agriculture and Natural Resources;
- Are deferring leadership to the Governor's Task Force on CWD and have offered assistance whenever needed.



**Staff Response to Comments made by Peter Vellenga**

**Mindy Koch, Forest, Mineral and Fire Management Chief**, responded to comments made by Peter Vellenga during public comment on February 6. She assured that any underpayments of royalties to the State of Michigan have been or are being rectified. The Attorney General's Office provided a thorough review of the settlement agreements. **Mr. Leffler, Assistant Attorney General**, reported that the confidentiality provision does not preclude making information available as required by law.

**Roscommon Airport**

**Director Cool** stated that the hangar lease options are not in the best interest of the DNR. He intends to extend use permits through the end of August, 2003. At that time, leases will expire and private use of hangars will no longer be allowed. The airstrip will be closed to public use and will only be used for DNR purposes. If lessees are in compliance with removal of hangars, they will be paid fair market value for the hangar as a good faith effort on the part of the DNR. If lessees are not in compliance, the hangars will be removed and the owners would be charged for those removal costs.

**Commissioner Eisele** inquired how long the DNR will maintain use at the site. Ms. Koch responded that this facility will eventually move into the compartment review process and at the time significant maintenance costs are required, its use would be reevaluated. The cost-effectiveness would be reviewed annually. Ms. Koch stated that the appraisal of the existing hangars appraises only the structure, not the land it is on.

**Commissioner Wheatlake** empathizes with the hangar lessors; however, he also understands the liability issues. **Commissioner Garner** clarified that this is strictly a liability issue decision.

**Commissioner Parfet made a motion, supported by Commissioner Wheatlake, to concur with Director Cool's proposed action on the Roscommon Airport Hangars.** Commissioner Eisele believes that the lessors should be granted more time until the lease is eliminated. **Roll call was taken. Voting Yes: Commissioners Campbell, Charters, Garner, Madigan, Parfet and Wheatlake. Voting No: Commissioner Eisele.**

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**Commissioner Garner** stated he has a problem validating Director's Decisions as he believes this diminishes the authority of the Director.

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### **Possession and Transportation of Asian Carp and Snakehead Fish**

**Kelley Smith, Fisheries Division Chief**, reviewed the proposed order which prohibits the possession and the transportation of live members of the Asian carp family including black carp, bighead carp, and Silver carp. It also prohibits the possession and the transportation of the members of the snakehead family and the Eurasian ruffe. The order has come before the Director and the NRC in the past, but it adds the species noted. **Director Cool** intends to sign this order.

### **Muskellunge Disease in Lake St. Clair**

**Dr. Smith** reported that piscirickettsia, a bacterial disease, has been detected in muskellunge in Lake St. Clair. No mortality has been linked to this disease to date. A group has been established to study and address this disease.

**Director Cool** commended Fisheries Division staff for their continuing efforts on important issues. **Commissioner Madigan** commended them for their work in upper Michigan.

### **Cheboygan to Gaylord Trail**

**Matt Hare, Forest, Mineral and Fire Management Division**, reported that a public meeting was held in Tuscarora Township to address the trail issue in that area. A work group has been established to discuss trail management issues and generate recommendations to the DNR based upon community and user input. A decision will be rendered by the work group by July, 2003. Mr. Hare reviewed the Workgroup process. He believes the initial community meeting was successful.

### **Chocolay Township Trail**

**Jim Ekdahl, Upper Peninsula Field Deputy**, reported that the local courts issued a restraining order prohibiting the use of snowmobiles on this trail. The DNR is working with the Attorney General to appeal this decision.

### **Budget**

**Director Cool** reported that budget cuts are forthcoming and the cuts will be even higher than previously anticipated.

**APPROVAL OF MINUTES – JANUARY 9-10, 2003 NATURAL RESOURCES  
COMMISSION MEETING**

**Commissioner Eisele made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.**

**DIRECTOR'S ACTION ITEMS**

Director Cool intends to sign all Director's Action Items on the agenda.

**NRC POLICY COMMITTEE ON WILDLIFE ISSUES MEETING REPORT**

Commissioner Garner reported that the NRC Policy Committee on Wildlife Issues held a meeting on Thursday, February 6, 2003 at 1:30 p.m. at the Treetops Resort. The Committee discussed current habitat initiatives and evaluation, and antlerless deer licenses.

**NRC POLICY COMMITTEE ON FINANCE AND ADMINISTRATION**

Commissioner Parfet reported that the NRC Policy Committee on Finance and Administration held a meeting on January 31, 2003 at 8:30 a.m. in the Mason Building, Lansing. Agenda items were: Audit Updates; Fund Balances; Asset Allocation; Retail Sales System; License Fee Legislation Update; Payments in Lieu of Taxes (PILT) Update; and Accomplishments/Goals.

**COMMISSIONER REPORTS**

**Commissioner Eisele** reported that he experienced, first hand, the deer culling process at a Huron-Clinton Metropolitan Authority park.

**Commissioner Campbell** reported that he experienced, first hand, the deer culling process at a Huron-Clinton Metropolitan Authority park.

**Commissioner Madigan** participated in the annual Michigan Fish Producers' meeting in Traverse City; and attended the Wildlife Habitat meeting in Escanaba.

**Commissioner Wheatlake** stated that the NRC Policy Committees continue to be very useful to achieve the NRC Goals.

**Commissioner Garner** conducted the Upper Peninsula Habitat Meeting; attended a DNR compartment review and encouraged other Commissioners to do the same; and stated that the late Jordan Tatter, Agriculture Commissioner, will be missed.

**Chairman Charters** stated he had a very busy month attending various DNR/NRC related meetings. He announced that Matt Hare, currently with the Forest, Mineral and Fire Management Division, will be leaving the DNR in April and has accepted the position of Director of Government Relations for the Central Plains Nature Conservancy. We will miss him.

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Commissioner Eisele made a motion, supported by Commissioner Wheatlake, to adjourn. The meeting adjourned at 12:00 noon.